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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,664	09/28/1999	THOMAS M. KEELEY	99AB173	3033

7590 09/15/2003

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EXAMINER
BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/407,664	KEELEY, THOMAS M.	
	Examiner	Art Unit	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *40-79* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *40-79* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. This Non-final office action is in response to Applicant's reply filed June 30, 2003. Claims 40-79 are currently pending.

2. The previously pending rejections to claims 4, 19, and 31 under 35 USC § 112 has been withdrawn.

3. Applicant's arguments filed June 30, 2003 have been fully considered but most are not persuasive. However, a new reference, Sekizawa (USPN 6,430,711), as been introduced, as seen below.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

5. Claims 40, 42-49, 59, 61-66, 69, 70, 72-76, 78, and 79 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogushi et al. (EPPN 0822473).

As per claim 40, Ogushi et al. disclose a factory automation system for providing status information on at least one factory automation component comprising: a factory automation component distributed by a first party (see column 1, lines 32-41,

industrial equipment is distributed by a first party); the component residing at a site location of a second party (see column 1, lines 32-41, the equipment resides in a remote location from the first party); and the component communicating status information to the first party wherein the first party compiles the status information from the component and utilizes the status information to the benefit of the second party (see column 1, lines 32-56, there is a remote maintenance system between two parties where the status is communicated to the first party to benefit the second party).

As per claim 42, Ogushi et al. disclose the first party is a vendor and/or service supplier of the component (see column 2, lines 16-32).

As per claim 43, Ogushi et al. disclose the second party is a purchaser of the component and the site location is a factory of the purchaser where the component resides (see column 2, lines 16-32).

As per claim 44, Ogushi et al. disclose the component health information to the first party from the location site of the second party (see abstract, and column 1, lines 32-56, the health information is sent to the first party from the location site of the second party).

As per claim 45, Ogushi et al. disclose the health information is selected from the group consisting of a component failure, a component degradation and a component out of calibration (see column 1, lines 6-14, maintenance is defined as any trouble with the industrial equipment that would need maintenance personnel to resolve the trouble, this inherently includes component failure, degradation and calibration).

As per claim 46, Ogushi et al. disclose the site of the first party communicated patch information to the component in response to health information from the component (see column 6, lines 9-19, the vendor responds to the components health information by communicating information back to the component).

As per claim 47, Ogushi et al. disclose the component includes a self-diagnosis device (see column 4, lines 3-11, the computer from the second party obtains the status information such as the state of the trouble).

As per claim 48, Ogushi et al. disclose the server site of the first party communicates version upgrade information to the component in response to version information from the component that does not correspond to the latest version (see column 4, lines 18-28, the first party must communicate version information from the component because this information must also be known by the first party, or vendor, in order for them to update the version; if the current version was unknown, the software could not be updated).

As per claim 49, Ogushi et al. discloses the server site of the first party transmits a signal to the component in response to status information from the component that initiates an action by the component (see column 5, lines 17-39 and figure 3, the first party transmits the countermeasure in response to the status information by a signal over the internet to the host computer and the component at the factory; if a countermeasure is unavailable, the vendor notifies a person of the equipment status).

As per claim 59, Ogushi et al. discloses a method of providing a status information to a vendor on at least one factory automation component sold by the vendor to at least one customer, comprising the steps of: locating at least one component at a site of at least one customer (see column 2, lines 16-32, a factory automation component sold by a vendor and located at the customer's component site); connecting the at least one component to a network connected to a server of the vendor (see column 3, lines 29-33 and 45-48, the network and server are connected through a LAN); communicating component status information from the at least one component to the server of the vendor (see column 4, lines 40-47, the status information is given to the vendor; the status information must include an IP address in order to match the status information with the component); searching a database located on the server of the vendor for customer identification and component location information corresponding to the status information of the at least one component (see column 4, lines 40-44, the customer identification is given to the vendor and column 5, lines 34-48, the vendor computer receives the status information which is searched on the troubleshooting database); and outputting the customer identification information and component status and location information to the vendor (see column 5, lines 34-43, the vendor receives the customer identification information and status).

As per claim 61, Ogushi et al. disclose communicating a signal to at least one component from the server in response to the component status information that initiates an action to at least one component (see column 5, lines 17-33, the host

computer receives the status information and restores the equipment or outputs a message to the operator).

As per claim 62, Ogushi et al. disclose the server determines if the at least one component has enabled the at least one component to receive communication from the server (see column 4, lines 40-57, the host computer on the vendor side and the host computer on the factory side wait for communication from one another).

As per claim 63, Ogushi et al. disclose the status information includes component health information of the at least one component (see column 4, lines 31-39, the status information includes an error code representing the contents of the trouble which contain the health information of the equipment).

As per claim 64, Ogushi et al. disclose the server communicates patch information to the component in response to health information from the component (see column 5, lines 17-33, the host computer on the vendor side communicates with the host computer on the factory side to try and restore the equipment to its normal state).

As per claim 65, Ogushi et al. disclose the status information includes version information of the at least one component (see column 4, lines 18-28, the status information sent to the host computer includes information about the operating state, this information must also include version information as the host would not be able to update the version if the current version was unknown).

As per claim 66, Ogushi et al. disclose the server communicates version upgrade information to at least one component in response to version information from the at

least one component that does not correspond to the latest version (see column 4, lines 22-28, the host computer maintains the equipment through software upgrades on the basis of response information transmitted from the vendor in response to status information).

As per claim 69, Ogushi et al. disclose an internet business communication system including: means for receiving factory automated component status information over the Internet (see column 1, lines 32-41, a remote maintenance system between two parties); and means for matching a factory automated component location and customer identification information with status information provided by the factory automated component over the Internet, the status information including the information relating to the health of the component wherein the component is located at a site location of a customer and communicates status information to a site vendor (see column 3, lines 2937, the host machine at the factory transmits status information, which includes the health of the component, to the vendor through the internet).

As per claim 70, Ogushi et al. disclose a factory automated component comprising: a processor; a memory coupled to a processor; and a network interface coupled to the processor for directly transmitting and receiving data with at least one remote computes system, wherein the factory component communicates status information to the at least one remote computer system (see column 3, lines 29-48, the factory automated component communicates by transmitting signals though the internet with a factory host computer, this host computer then sends status

information to the remote vendor host computer which in turn sends responses, or countermeasures, to the host computer at the factory; all computers inherently contain a processor and a memory).

As per claim 72, Ogushi et al. disclose the processor includes a self-diagnosis device (see column 4, lines 3-11, the computer from the second party obtains the status information such as the state of the trouble).

As per claim 73, Ogushi et al. disclose the component includes an enabled mode for receiving communication from the at least one computer and a disabled mode blocking communication from at least one computer (see column 4, lines 40-57, the vendor and the factory computers have enabled communication only when both computers are turned on; therefore if one computer is turned off, communication is disabled and blocked).

As per claim 74, Ogushi et al. discloses a system for monitoring factory automated components electronically comprising: a central server adapted to receive status information directly from one or more factory automated components located at one or more customer sites, the central server being located at a site of a vendor, wherein the server is configured to match component status information to customer identification information and component location information of the one or more factory automated components and output this information to the vendor (see column 3, lines 29-44, an automated factory which uses a host computers at the factory and a host computer at the vendor site to communicate with each other

about the status of the industrial equipment at a particular factory site; the information is provided directly from the factory to the vendor).

As per claim 75, Ogushi et al. disclose the status information includes the components version information, such that the server can communicate to a customer that one or more components require a version update (see column 4, lines 23-28, version update must be included in the status information in order for the vendor to eliminate the trouble on the equipment by doing a software upgrade).

As per claim 76, Ogushi et al. disclose the server transmits a signal to the one or more components via the at least one remote computer in response to status information from the component that initiates an action to the component (see column 5, lines 17-39 and figure 3, the vendor host computer transmits the countermeasure in response to the status information by a signal over the internet to a host computer at the factory; if a countermeasure is unavailable, the vendor notifies a person of the equipment status).

As per claim 78, Ogushi et al. disclose the status information includes the components health information, such that the vendor can communicate to a customer that the one or more components in the one or more customer sites require attention by the customer (see column 3, lines 29-44, and column 5, lines 34-43, the status information includes the health of the equipment and the factory and vendor host computers communicate with one another to alert customers of components that require attention).

As per claim 79, Ogushi et al. discloses a system for providing status information to a vendor on at lease one factory automation component sold by the vendor to at least one customer, comprising: Means locating at least at least one component at a site of at least one customer (see column 2, lines 16-32, a factory automation component sold by a vendor and located at the customer's component site); Means for connecting the at least one component to a network connected to a server of the vendor (see column 3, lines 29-33 and 45-48, the network and server are connected through a LAN); Means for communicating component status information from the at least one component directly to the server of the vendor (see column 4, lines 40-47, the status information is given to the vendor; the information is provided directly from the factory to the vendor); Means for searching a database located one the server of the vendor for customer identification information and component location information corresponding to the status information of the at least one component (see column 4, lines 40-44, state that the customer identification is given to the vendor and column 5, lines 34-48, the vendor computer receives the status information and the status information is searched for on the troubleshooting database); and Means for outputting the customer identification information and component status and location information to the vendor (see column 5, lines 34-43, the vendor receives the customer identification information and status).

Claim Rejections - 35 USC § 103

6. Claims 41 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogushi et al, in view of Chamberlin et al. (USPN 4,703,325).

As per claim 41, Ogushi et al. does not explicitly disclose wherein the status information is periodically communicated by the component directly to the first party. However, Chamberlin et al. disclose a component periodically communicating status information (see column 2, lines 34-43). It would be obvious to one of ordinary skill in the art to use a component that periodically communicates status information to the first party as it allows the party to be updated on any new status information. One would be motivated to periodically communicate information as a set time is a more reliable way to determine the occurrence of any status changes.

As per claim 71, Ogushi et al. disclose health information related to the health of the component (see abstract, and column 1, lines 32-56, the health information is sent to the first party from the location site of the second party). Ogushi et al. does not explicitly disclose wherein the status information is communicated periodically. However, Chamberlin et al. disclose a component periodically communicating status information (see column 2, lines 34-43). It would be obvious to one of ordinary skill in the art to use a component that periodically communicates status information to the first party as it allows the party to be updated on any new status information. One would be motivated to periodically communicate information as a set time is a more reliable way to determine the occurrence of any status changes.

7. Claims 50, 52-58, 60, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogushi et al, in view of Sekizawa (USPN 6,430,711).

As per claim 50, Ogushi et al. discloses an internet business communication system including a website adapted to be employed by a vendor for receiving factory automation component status information over the internet directly from a plurality of factory components residing at one or more customer sites and providing this information to the vendor (see column 3, lines 29-57, the maintenance system uses the internet and the world wide web as a means of communicating status information from the factory to the vendor and the information is provided directly from the factory to the vendor). Ogushi et al does not explicitly disclose each component having a different IP address, the website matching component information residing at the vendor's website with the IP address of the component. Sekizawa discloses an agent unit 10 getting status information indicating the operation state of each network printer (see column 19, lines 22-24), and the network printer having a registration log file 12c, including the IP address of the printer (see column 21, lines 9-13). Both Ogushi et al and Sekizawa are concerned with the effective monitoring of machines via a computer network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include each component having a different IP address, the website matching component information in Ogushi et al, as seen in Sekizawa, thereby efficiently identifying the machines and their corresponding problems.

As per claim 52, Ogushi et al. disclose the status information includes components health information, such that the vendor can communicate to a customer that one of the plurality of components in the one or more customer sites require attention by the customer (see column 1, lines 57-58 though column 2, lines 1-15, the status information communicates any equipment trouble to all of the components given to the vendor by the customer, the equipment trouble is the health of the component).

As per claim 53, Ogushi et al. disclose the status information includes the components version information, such that the facilitator can communicate to a customer that one of the plurality of components in the one or more customer sites require a version update (see column 4, lines 22-28, version update must be included in the status information in order for the vendor to eliminate the trouble on the equipment by doing a software upgrade).

As per claim 54, Ogushi et al. disclose the status information includes customer identification, customer site information, and the component location within the customer's site (see column 3, lines 29-33 and column 4, lines 40-47, all the status information is given to the vendor by a host computer from a factory, all of this information must be included in order for the vendor to look up the problem in the database and fix the equipment).

As per claim 55, Ogushi et al. disclose the component information includes customer identification, customer site information, and the component location within the customer's site (see column 5, lines 34-43, the host computer includes customer

information when sending the component information to the vendor, all of this information must be included in other associated information in order for the vendor to know what component to fix).

As per claim 56, Ogushi et al. disclose the status information includes the component health information and the website can communicate patch information to at least one of the plurality of components in response to component health information (see column 5, lines 34-43, and column 6, lines 9-19, the host computer includes component health information when sending the status information to the vendor and the vendor uses the internet to communicate patch information back to the host computer).

As per claim 57, Ogushi et al. disclose the status information includes the component version information, such that the website can communicate patch information to at least one of the plurality of components in response to component version information (see column 4, lines 18-28, the status information sent to the host computer through the internet includes information about the operating state, the host computer can then communicate patch information to the equipment, the information about the operating state must also include version information as the host would not be able to update the version if the current version was unknown).

As per claim 58, Ogushi et al. disclose the website transmits a signal to at least one of the plurality of components in response to status information from the component that initiates an action to the component (see column 5, lines 17-39 and figure 3, the vendor host computer transmits the countermeasure in response to the

status information by a signal over the internet to the host computer and the component at the factory; if a countermeasure is unavailable, the vendor notifies a person of the equipment status).

As per claim 60, Ogushi et al. does not explicitly disclose wherein the status information includes an IP address associated with the component and the step of searching includes matching the customer identification information and component location information corresponding to the IP address included in the status information. Sekizawa discloses an agent unit 10 getting status information indicating the operation state of each network printer (see column 19, lines 22-24), and the network printer having a registration log file 12c, including the IP address of the printer (see column 21, lines 9-13). Both Ogushi et al and Sekizawa are concerned with the effective monitoring of machines via a computer network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include each component having a different IP address, the website matching component information in Ogushi et al, as seen in Sekizawa, thereby efficiently identifying the machines and their corresponding problems.

As per claim 77, Ogushi et al. disclose the server hosts a website of the vendor and the server matches the component status information with the customer identification information (see column 3, lines 45-48 and column 4, lines 40-47, the host computer and the vendor communicate through the internet, and the vendor determines the component using the customer information and component location

included in the status information). Ogushi et al does not explicitly disclose component location information by using an IP address associated with the component. Sekizawa discloses an agent unit 10 getting status information indicating the operation state of each network printer (see column 19, lines 22-24), and the network printer having a registration log file 12c, including the IP address of the printer (see column 21, lines 9-13). Both Ogushi et al and Sekizawa are concerned with the effective monitoring of machines via a computer network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include each component having a different IP address, the website matching component information in Ogushi et al, as seen in Sekizawa, thereby efficiently identifying the machines and their corresponding problems.

8. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogushi et al, in view of Sekizawa, as applied to claim 50, in further view of Chamberlin et al.

As per claim 51, Ogushi et al. does not explicitly disclose wherein the factory automation component status information is periodically received by the vendor. However, Chamberlin et al. disclose a component periodically communicating status information (see column 2, lines 34-43). It would be obvious to one of ordinary skill in the art to use a component that periodically communicates status information to the first party as it allows the party to be updated on any new status information. One

would be motivated to periodically communicate information as a set time is a more reliable way to determine the occurrence of any status changes.

9. Claims 67 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogushi et al, in view of Chamberlin et al., in further view of Sekizawa.

As per claims 67 and 68, Ogushi et al. discloses a computer memory, comprising a status message including health information relating to the factory automation component (see abstract, and column 1, lines 32-56, the health information is sent to the first party from the location site of the second party through the internet). Ogushi et al. does not explicitly disclose a periodic status message provided by a factory automation component, the factory automation component having an IP address, and a vendor website which matches the IP address of the component with customer identification information and component location information. However, Chamberlin et al. disclose a component periodically communicating status information (see column 2, lines 34-43). Sekizawa discloses an agent unit 10 getting status information indicating the operation state of each network printer (see column 19, lines 22-24), and the network printer having a registration log file 12c, including the IP address of the printer (see column 21, lines 9-13). Further, the entire system operates by using the Internet and it is common in the art to have a vendor website. Both Ogushi et al, Chamberlin, and Sekizawa are concerned with the effective monitoring of machines via a computer network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was

made to include a component that periodically communicates status information to the first party as it allows the party to be updated on any new status information, and each component having a different IP address, the website matching component information in Ogushi et al, as seen in Sekizawa, thereby efficiently identifying the machines and their corresponding problems. Further, one would be motivated to periodically communicate information as a set time is a more reliable way to determine the occurrence of any status changes.

Response to Arguments

10. In the Remarks, with respect to independent claims 40, 50, 59, 69, and 70, Applicant argues that Ogushi et al fails to disclose communicating/transmitting status information from a component directly to the server of the vendor. The Examiner disagrees with this assertion and submits that Ogushi et al discloses the host computer 107 (monitor apparatus for equipment 106) communicating status information directly to host computer 108 (server for the vendor 101), via the internet 105 (see figure 2). This communication of status information is indeed directly from the equipment 106, via host 107 to vender server 108. The Examiner also disagrees with the assertion that Applicant's invention is somehow more efficient, since host 107 simply monitors equipment 106, obtains status information, and informs vendor 101 of the status information. Further, as stated in Applicant's specification with regards to figure 1, "...components 30 directly connected to the Internet via a

communication link..." In Ogushi et al, this communication link is simply the LAN 109, connected to host 107, which is linked to Internet 105.

With respect to independent claims 50, 59, and 67, Applicant argues that Ogushi et al does not teach each component having a different IP address. The Examiner submits Sekizawa as disclosing that limitation.

With respect to independent claims 59, 69, 74, and 79, Applicant's argue that Ogushi et al does not teach searching a database on the server of the vendor for customer identification information and component information matching the location and identification information with the status information. The Examiner disagrees with this assertion and submits that Ogushi et al discloses, inter alia, a trouble database in host computer 108, which contains model 401 of the equipment, serial number 402, and trouble state 406 (see column 6, lines 33-48). Further, host computer 108 indeed searches and matches information in the trouble database, in order to manage the industrial equipment of each factory (location information) on the basis of the status information (see column 5, lines 8-11).

With respect to claims 67 and 68, Applicant argues that Ogushi et al does not disclose a status message including health information relating to the factory automation component. The Examiner disagrees and submits that Ogushi et al disclose the invention applying to periodic maintenance, wherein such status information is directly connected to the health of the equipment.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Ogushi et al (USPN 6385794) discloses same information as EPPN 0822473.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

adb

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